

BUILDING A DOCK
in the SOUTH CAROLINA LOW COUNTRY





INTRODUCTION

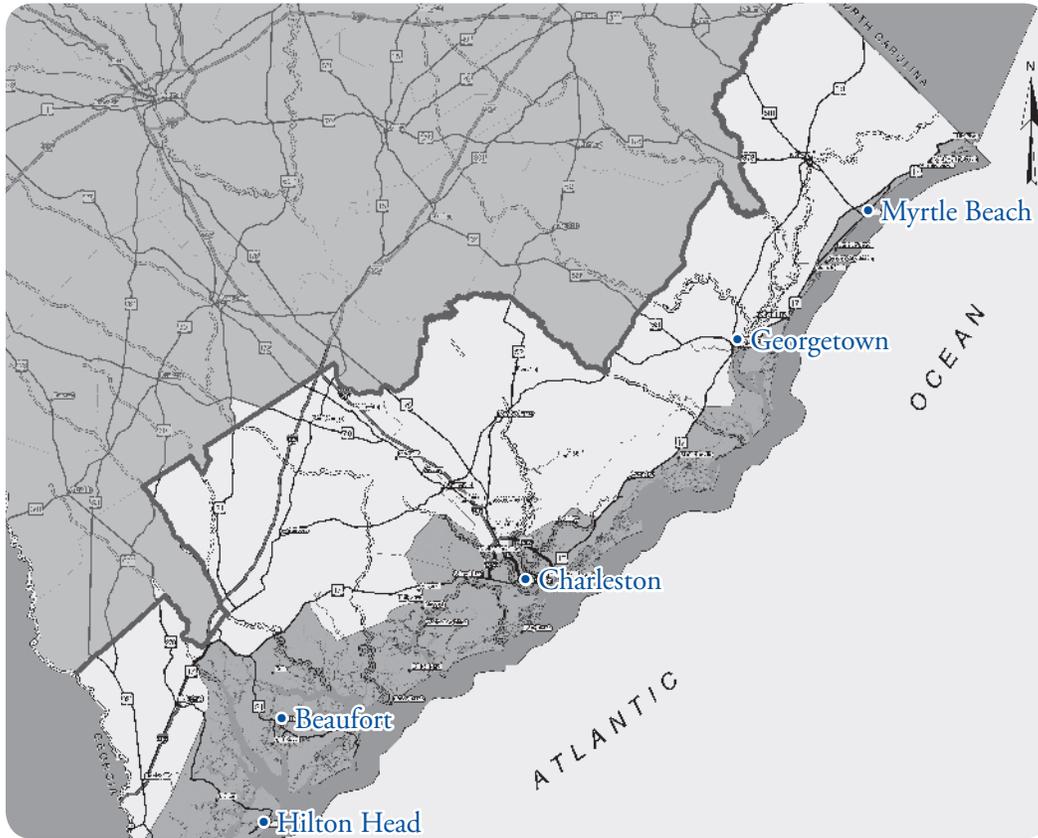
South Carolina is fortunate to have more than 2,800 miles of tidal saltwater marshes. These areas are beautiful and extremely important to our coastal community. Marshes are nesting grounds and home to many plant and animal species. They also play an integral role in the state's economy by supporting coastal fisheries and providing endless recreational opportunities.

The South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM) was founded in 1977 to protect and encourage responsible development in and around our precious coast. OCRM is responsible for issuing permits for alterations within the state's Critical Area.

Development along our coastal waterways has increased dramatically in recent years. Many people have come to the coast to take advantage of the opportunities our coastal environment has to offer. The construction of private recreational docks has become one of the most popular ways for citizens to gain access to the creeks and waterways.

This brochure should serve as a guide to help citizens through the OCRM dock permitting process in the Critical Area of South Carolina.





The Coastal Zone is comprised of coastal waters and submerged bottoms seaward to the state's jurisdictional line as well as the lands and waters of the eight coastal counties. The Critical Area is defined as all tidelands, coastal waters, beaches and oceanfront sand dune systems.

BEFORE YOU BEGIN

Planning is critical when preparing to build a dock. It is extremely important to be familiar with state dock regulations that address potential impacts of docks. Be aware that regulations prescribe that:

- ✦ Docks should not be located on or near sensitive natural resources, such as oyster beds.
- ✦ Docks typically must end at the first navigable creek.
- ✦ Dock length is limited to no more than 1000 feet.
- ✦ Docks typically cannot cross side extended property lines or dock corridor lines.
- ✦ Docks cannot restrict public access to and in state waterways.

OCRM enforces regulations for all Critical Area activities. Regulations can be found at <http://www.scdhec.gov/ocrm> and are available in hard copy at your local OCRM office.



Oysters are highly efficient filter-feeders that help keep the water clean of sediments and pollutants. They also provide shelter for other species and help keep marsh edges from eroding.



Salt marshes are some of the most productive and important environments in the world. They provide necessary habitat for shrimp, crabs, fish, oysters and birds. They also protect the shoreline by absorbing wave energy, trapping sediment, and filtering pollutants.

PLANNING FOR YOUR DOCK

How do I find out if my property qualifies to have a dock?

It is important for waterfront property owners to do their homework. If you live in a newly developed subdivision, one of the first places to seek information is from the developer. Developers of coastal subdivisions are required to submit a dock master plan (DMP) outlining which lots are potentially eligible for private docks. The developer should share any knowledge about a DMP, and details should be noted in the contract. OCRM also keeps all approved DMPs on file. OCRM encourages prospective and current waterfront property buyers to come into the office and sit down with staff to look over the applicable development's DMP and ask any questions that they may have. Please note that a dock master plan does not guarantee issuance of any dock permit. The DMP is simply a guide for all parties involved.

For areas outside of a dock master plan, OCRM staff will be glad to give guidance and information to aid an applicant. OCRM suggests reviewing the regulations to see if the site under consideration meets the minimum requirements for dock construction.

How do I apply to build a new dock?

The dock application can be obtained from your local OCRM office or downloaded from our Web site at <http://www.scdhec.gov/ocrm>. A non-refundable permit application fee is required when you submit your application. The fees are outlined in the application packet.

Can I share a dock with my neighbor?

OCRM encourages joint use or shared docks to help reduce the number of docks along a creek. Contact your local OCRM office to discuss your site-specific situation. Should two parties agree to share a dock, it is important to outline upfront each individual's maintenance responsibility and use of the structure.

What size can my dock be?

OCRM has specific regulations regulating the size of the structure as it relates to the size of the creek. Creek width is typically measured as the open water from marsh grass to marsh grass.

The following guidelines are currently used to limit maximum dock size:

Creeks 10' or less	=	no dock structures allowed
Creek less than 20' wide	=	no dock structures allowed unless specific geographic circumstances exist*
Creek width 20' to 50'	=	120 square feet
Creek width 51' to 150'	=	160 square feet
Creek width larger than 150'	=	600 square feet

*On creeks less than 20 feet wide, a dock may be permitted only if the property has a minimum of 500 feet of frontage or there is no potential dockage from the other side of the creek. However, under no circumstances will boatlifts, davits or boat storage docks be permitted. All structures will be limited to a maximum of 50 square feet.

There are site-specific allowances for larger structures. Contact your local OCRM office to discuss your circumstances.



Smooth cordgrass can tolerate a wide range of salinities and stabilizes the marsh from erosion. Be careful to not damage marsh vegetation with boat wakes, and never park or store boats on the marsh surface.

How Does OCRM determine dock square footage?

As defined in regulation, OCRM calculates square footage as the total area of any fixed pierhead, floating dock, areas bounded by boatlifts and davit systems, and boat storage docks (i.e. floating jet docks and all similar structures). Square footage does not include the walkway, ramps, catwalks or mooring pilings.

Should I tell my neighbor that I am applying for a dock permit?

OCRM encourages open communication between the applicant and his or her neighbors at all stages of the permitting process to address any potential concerns. You will need to provide your neighbors' addresses to OCRM so that we may inform them of your permit application with a public notice. Neighbors may respond to OCRM in writing with any comments that they may have about your proposed project during the public comment period.

Do I have to use an agent to submit my application to OCRM?

No, an agent is not required, and OCRM staff is always available to help an applicant through the permitting process. However, some applicants prefer to have an agent manage the administrative application process.

Do I have to obtain other permits or authorizations from other agencies once I have obtained a permit from OCRM?

A dock located on a federally maintained waterway, such as the Atlantic Intracoastal Waterway (AIWW), probably will require a federal permit from the United States Army Corps of Engineers as well as an OCRM permit. This activity results in a 'Joint Public Notice' issued by the two agencies. Local permission may also be required in some areas. **Note:** An OCRM permit does not relieve the applicant from the responsibility of obtaining any other permit(s) or authorizations. It is important to check with the homeowners associations or architectural review boards of the neighborhood where you are located.

How long does it take to obtain a permit for a private recreational dock?

Generally, it takes 30 days from the end of the OCRM public notice period provided that the file is administratively complete and the agency is not working to resolve pertinent issues with involved parties.

What happens when OCRM makes a decision?

Typically, one of two things will happen: either OCRM issues or denies the permit application. When a permit is issued, OCRM will send a permit that must be signed by the applicant or legal agent. Once it has been returned to us, OCRM will finalize the permit and send an executed copy back with instructions to follow once you get ready for the construction phase.

In the case of a denial, OCRM will send a formal letter to the applicant explaining why the permit has been denied. The applicant then has 15 days after notice of the decision has been mailed to send a written request for final review to the Clerk of the DHEC board.

In either case, OCRM will also send a notification of the final staff decision to any objecting parties once the permit has been executed or denied.

What is a 'final review' and who can file one?

Once OCRM staff makes a decision regarding a permit application, an adversely affected party may request final review with the Board of the S.C. Department of Health and Environmental Control to challenge that permit decision. A request for final review must be made to the Clerk of the Board within 15 days after notice of the decision has been mailed to the applicant. An adversely affected party may be the applicant, an adjacent property owner, or in some cases a third party or organization. For more information on the appeals process, contact your local OCRM office or visit the Administrative Law Court's Web site, <http://www.scalc.net>.

BUILDING YOUR DOCK

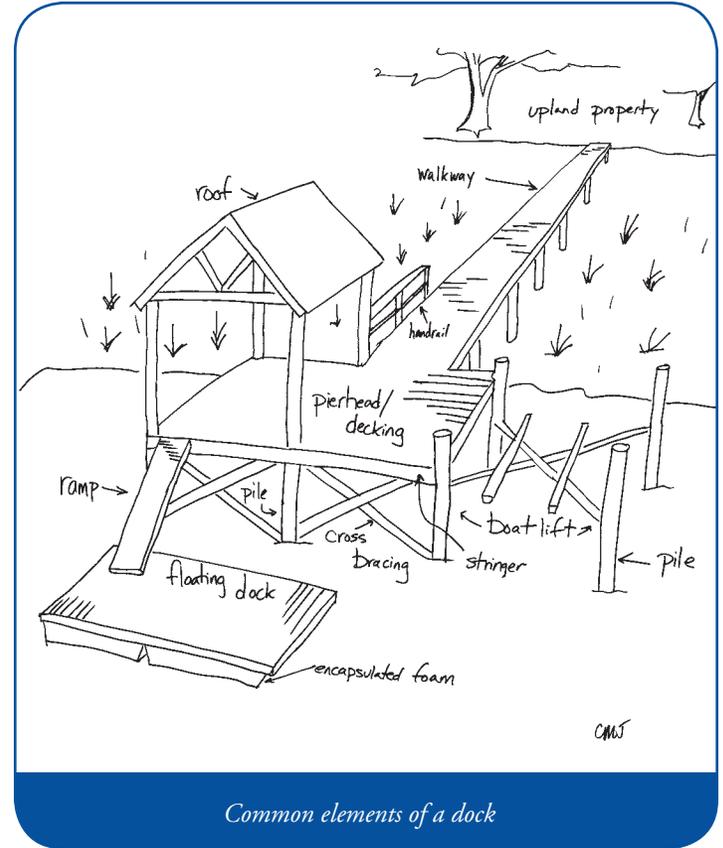
How much will building a dock cost?

Construction costs vary depending on location, materials and the builder. It is important to contact several builders and obtain estimates for your specific circumstances.

You should feel comfortable with your dock builder and should ask any questions that you may have. Be sure you know **EXACTLY** what is included in your contract before you sign!

How do I find a dock builder?

There are several dock builders listed in the business section of the phone book. Word of mouth can also be a great way to find a builder. Asking neighbors and friends for a reference is helpful because you can learn from their experiences and inspect the construction and quality of their docks. You should also ask a potential dock builder for professional references and verify if they are a licensed maritime contractor. It is well worth the time and effort to follow up on the references. Other resources include the Better Business Bureau and the state's Department of Licensing, Labor and Regulation (SCLLR).



Common elements of a dock

My permit states that I have to use a licensed marine builder. What does that mean?

The S.C. Contractor's Licensing Act of 1999 requires that all construction with a total cost of \$5000 or more must be performed by a licensed contractor with a valid contractor's license for marine construction. For further information on the importance of using a licensed contractor, visit <http://www.llr.state.sc.us>

How long will it take to complete my new dock?

There are a several factors that affect the time frame of getting your dock built:

- ↘ The type of equipment being used
- ↘ The number of workers onsite for construction
- ↘ The number of other jobs that your builder may have at the same time or on the schedule
- ↘ The weather conditions during the building schedule

Be sure to ask your dock builder for an estimated schedule as it relates to your particular dock project.

Can I build the dock myself?

Yes, but only if the dock construction is performed by the private landowner for strictly private purposes. Unlicensed contractors serving as an Agent of the Permittee/Property Owner will not be granted a construction placard as this is a violation of the S.C. Contractor's Licensing Act of 1999.



Docks can be constructed of recycled products such as recycled plastic and wood as shown in the photograph. Recycled products extend the life of your dock because they do not deteriorate due to harsh weather or insects.

What should I be aware of during the construction of my dock?

As the owner and applicant, you should check on the work often, as it is ultimately the permit holder who is responsible if the dock is constructed improperly or illegally. Here are a few tips:

-  Beware of dock builders who tell you that additions can be made without prior OCRM approval. While some items may seem minor, it is in your best interest to call OCRM and obtain written approval. Some of the common additions requiring approval include boatlifts, floating jet docks, sinks, roofs, and davits.
-  Monitor the environmental impact your dock builder makes. Be sure your builder minimizes impacts to vegetation and keeps the marsh free from garbage and construction debris.
-  Be sure the OCRM construction placard is posted in a conspicuous place and is kept current throughout the construction phase. This lets others know the structure is authorized. Failure to post the placard could result in an enforcement action by OCRM.

 Contact OCRM immediately if you believe that the construction of your dock may be out of the scope of the issued permit. Remember, docks built out of the scope of the issued permit may result in enforcement action and may be required to be removed.

Does OCRM have any construction regulations?

Currently, OCRM does not have any construction regulations for private recreational docks. However, local governments may require a dock to be built consistent with local codes or ordinances. Be sure to consult with them prior to construction and be sure that your contractor complies with all requirements.

What does it mean if my dock is out of compliance?

Your project is considered out of compliance if the dock structure exceeds the scope of the issued permit or is in violation of the specifications and conditions outlined in the permit (i.e. length, width, channelward extension, location, navigation, etc). Enforcement staff is responsible for routinely patrolling the critical areas by land, air and water. Compliance inspections, permit application site visits, and reports from individual citizens are the most common sources of discovering dock violations. OCRM Enforcement staff can respond by issuing a Cease and Desist Directive or by imposing civil fines. They may also require that you remove or modify a structure in violation and restore an impacted site.



*Keep lines of communication open with your dock builder.
Be sure to ask questions if you have them.*



*Encourage your dock builder to limit disturbance to marsh
vegetation and to keep the marsh free of debris and equipment.*

MAINTAINING YOUR DOCK

What is the average life of a dock structure?

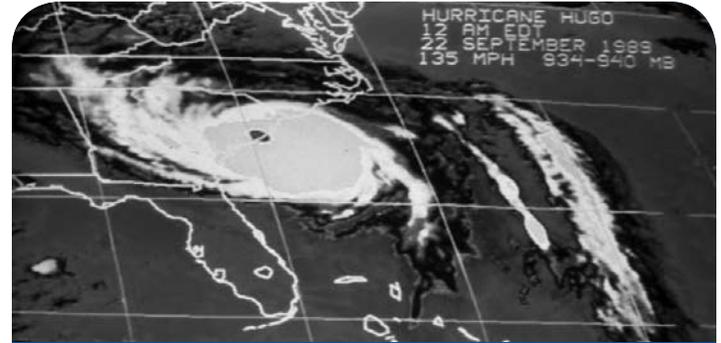
Typically, you should not need to make major repairs for about 15 years unless Mother Nature intervenes. You may need to perform minor repairs after the first several years. The dock's physical location will also affect your repair schedule. A dock on a smaller creek or tributary will have less 'wear and tear' than a dock built on a major water body such as the Charleston Harbor or Intracoastal Waterway. It is important to note that one of the general conditions of the permit states that "failure to maintain the structure in good condition shall result in the revocation of [the] permit." When it comes time to do repairs, be sure to obtain a "maintenance and repair" authorization from your local OCRM office.

What does a maintenance and repair authorization cover?

OCRM has the authority to authorize minor repairs to an existing structure. Our regulations state, "Normal maintenance and repair applies only to work on a structure which has been previously permitted or is grand-fathered or exempted and is still generally intact and functional in its present condition. The work may only extend to the original dimensions of the structure, and any expansion, additions, or major rebuilding will require either a Department (OCRM) permit or documentation to and written approval from the Department (OCRM)." When it comes time to make minor repairs, simply write to your local OCRM office and state exactly what work will be done. OCRM will review your request, and if staff determines that it meets the criteria, we will send you an authorization letter and a maintenance and repair construction placard. Again, be sure to place the placard in a conspicuous place while the repairs are being made.

What happens if a storm or other natural event damages my dock?

If a hurricane or other storm extensively damages many docks along the coast, OCRM will usually issue a general permit that allows you to rebuild the structure to the original permitted size, scope and use. If you wish to relocate, add square footage or change the configuration of your dock, you will need to submit a new dock permit application or amend an active permit. Remember, you should always clean up and remove any debris in the Critical Area resulting from damage to your dock.



Hurricanes and other strong storms can cause significant damage to coastal structures, particularly docks.



Hurricane Hugo caused severe damage to the Ben Sawyer Bridge linking Mt. Pleasant to Sullivans Island.

OTHER IMPORTANT CONSIDERATIONS

What do I have to do if I want to make additions to an existing dock?

Depending on the extent of the additions, you may qualify for an amendment to an existing, active permit or you may qualify to make an addition under the dock general permit. The general permit authorizes minor additions such as handrails, sinks and benches. The general permit application can be obtained from our Web site or at your local OCRM office. If you wish to increase the square footage of a dock, the dock general permit is not applicable. This includes the addition of floating jet docks and other similar structures. To add any additional square footage, you will need to submit a new application or amend an existing active permit.

Are dock permits transferable?

Yes, simply fill out the Assignment/Transfer Form. This is also available on-line or at your local OCRM office. The new permit holder will be responsible for all conditions prescribed under the original permit. Both parties need to sign this form, so real estate closings are a good time to complete the form and have it witnessed. Once it is complete, simply mail it to the local OCRM office with the appropriate fee. Please note that only active permits require a transfer.

Can I extend the expiration date of my permit?

OCRM generally allows up to three one-year extensions on a permit. Please note that if the permit has expired, it cannot be extended. To obtain a permit extension, send a written request stating the amount of time you wish to have your permit extended along with the appropriate fee. We will send you written confirmation with the new extension date.

To Report a Violation:

The Creek and Beach Watch Program is a citizen participation program where individuals or groups watch the Critical Areas, usually areas they are familiar with or visit frequently, and report any possible violations of the S. C. Coastal Zone Management Act or OCRM's Rules and Regulations to OCRM enforcement staff. Citizens are encouraged to report possible violations of the S. C. Coastal Zone Management Act by calling a 24-hour toll-free hot line at 1-800-768-1516. Whenever possible during normal business hours, calls will be answered by an OCRM staff member. At other times an answering machine will take the report. OCRM enforcement personnel will investigate reports of possible violations, take appropriate action and, if requested, notify the person making the report of any action taken.



CREEK AND BEACH WATCH TOLL FREE HOT LINE:

1-800-768-1516

TO CONTACT OCRM:

Charleston 1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 744-5838

Beaufort 104 Parker Drive
Beaufort, SC 29906
(843) 846-9400

Myrtle Beach 927 Shine Drive
Myrtle Beach, SC 29577
(843) 238-4528

Web site: <http://www.scdhec.gov/ocrm>



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Ocean and Coastal
Resource Management

www.scdhec.gov

Promoting and protecting the health of the public and the environment